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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,685	07/10/2006	Donald Burris Clary	DH0016USPCT	6535

<sup>7590</sup>  
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07/22/2009

EXAMINER

LEE, Y'MY QUACH

ART UNIT

PAPER NUMBER

2885

MAIL DATE

DELIVERY MODE

07/22/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/585,685

**Applicant(s)**

CLARY, DONALD BURRIS

**Examiner**

Y M. Lee

**Art Unit**

2885

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 8/18/2006
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the abstract is not on a separate sheet of paper. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 to 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Barton.

Barton shows at least two juxtaposed cold cathode lamps (figure 1), wherein the lamps comprise cathodes at each end, the lamps are positioned in a manner that the cathodes are not touching (figure 1), the cathodes are longitudinally offset (figure 1), the lamps are not touching (figure 1), and one of the lamps is shorter than the other lamps (column 3, line 19, varying length lamps).

5. Claims 1 to 3 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Chou et al.

Chou et al. show at least two juxtaposed cold cathode lamps (22, column 2, line 35), wherein the lamps comprise cathodes at each end, the lamps are positioned in a manner that the

cathodes are not touching (figure 2), the cathodes are longitudinally offset (figure 2), the lamps are not touching (figures 2, 4), and a device comprising a backlight system (column 3, line 1).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 to 3 and 5 to 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuteru in view of Barton.

Mitsuteru shows at least two juxtaposed cold cathode lamps (11, 12, 13, paragraph 0019, line 4), wherein the lamps comprise cathodes at each end, the lamps are positioned in a manner that the cathodes are not touching (figures 1, 2, 3, 4), the lamps are not touching (figures 2, 4), a light guide (10), the at least two juxtaposed cold cathode lamps on at least one set of opposing lateral sides of the light guide (figures 1, 2, 3, 4), the at least two juxtaposed cold cathode lamps forming a pair on each lateral side of the light guide (paragraph 0010, lines 3 to 4), at least three juxtaposed cold cathode lamps having a center lamp (figures 1, 2) and two end lamps (figures 1, 2) on at least one set of opposing lateral sides of the light guide, at least three juxtaposed cold cathode lamps having a center lamp (figures 1, 2) and two end lamps (figures 1, 2) on each lateral sides of the light guide (paragraph 0010, lines 3 to 4), and a device comprising a backlight system (1). However, Mitsuteru does not disclose that one of the lamps is shorter than other lamps, one lamp of the pair is longitudinally offset from the other, and the center lamp is longitudinally offset from the end lamps.

Barton teaches that one of the lamps can be shorter than other lamps (column 3, line 19, varying length lamps), one lamp of the pair can be arranged to longitudinally offset (figure 1) from the other (figure 1) so that the cathodes of the lamps are not touching and shadowing effects caused by spaces between the ends of the lamps are eliminated, and the center lamp can be arranged to longitudinally offset from the end lamps (figure 5) so that the cathodes of the lamps are not touching and shadowing effects caused by spaces between the ends of the lamps are eliminated.

It would have been obvious to one skilled in the art that one of the lamps of Mitsuteru can be arranged to be shorter than other lamps, one lamp of the pair of Mitsuteru can be arranged to longitudinally offset from the other, the center lamp of Mitsuteru can be arranged to longitudinally offset from the end lamps, as shown by Barton, so that not only the cathodes of the lamps are not touching but shadowing effects caused by spaces between the ends of the lamps are eliminated.

8. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior art drawing figure 2 of Applicant's present invention in view of Barton.

Prior art drawing figure 2 shows at least two juxtaposed cold cathode lamps (201), wherein the lamps comprise cathodes at each end, and the lamps are positioned in a manner that the lamps are touching. However, Prior art drawing figure 2 does not disclose that the cathodes are not touching.

Barton teaches that the lamps can be arranged in a manner to longitudinally offset (figure 1) from the other (figure 1) so that the cathodes of the lamps are not touching and shadowing effects caused by spaces between the ends of the lamps are eliminated.

It would have been obvious to one skilled in the art that the lamps of the Prior art drawing figure 2 can be arranged to longitudinally offset from the other, as shown by Barton, so that the cathodes of the lamps are not touching while shadowing effects caused by spaces between the ends of the lamps are eliminated.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y Quach Lee whose telephone number is 571-272-2373. The examiner can normally be reached on Monday to Thursday from 8:30 am to 2:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service 571-272-2815.

Y. Q.  
July 16, 2009

/Y M. Lee/  
Primary Examiner, Art Unit 2885